

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

NICOLE ERBE,

Plaintiff(s),

vs.

STATE FARM FIRE AND CASUALTY  
COMPANY, et al.,

Defendant(s).

Case No. 2:15-cv-00356-JCM-NJK

ORDER

On May 22, 2015, the Court ordered the parties to show cause why they failed to file a proposed discovery plan. Docket No. 17. The deadline for filing that response was May 29, 2015. *See id.* Defendants have not filed a response. Plaintiff filed a response seeking an order staying discovery in this case. *See* Docket No. 18 at 3. “The Federal Rules of Civil Procedure do not provide for automatic or blanket stays of discovery when a potentially dispositive motion is pending.” *Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 601 (D. Nev. 2011). The party seeking a stay carries the heavy burden of making a strong showing why discovery should be denied. *See, e.g., Turner Broadcasting Sys., Inc. v. Tracinda Corp.*, 175 F.R.D. 554, 556 (D. Nev. 1997). The case law in this District makes clear that requests to stay all discovery may be granted when: (1) the pending motion is potentially dispositive; (2) the potentially dispositive motion can be decided without additional discovery; and (3) the Court has taken a “preliminary peek” at the merits of the potentially dispositive motion and is convinced that the plaintiff will be unable to state a claim for relief. *See Kor Media Group, LLC v. Green*, 294 F.R.D. 579, 581 (D. Nev. 2013).

1 Plaintiff's response fails to address the above standards. Accordingly, her request for a stay of  
2 discovery is hereby DENIED without prejudice. The Court further ORDERS that any request to stay  
3 discovery must be filed no later than June 8, 2015, and must address the relevant standards. In the event  
4 no such request is filed, a joint proposed discovery plan must be filed no later than June 15, 2015.

5 IT IS SO ORDERED.

6 DATED: June 1, 2015

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9 NANCY J. KOPPE  
10 United States Magistrate Judge  
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